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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,507	06/05/2001	Robert Stanley Arling	10010130-1	5883

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EXAMINER

AL HASHEMI, SANA A

ART UNIT PAPER NUMBER

2161

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/883,507	BEDELL ET AL.	
	Examiner	Art Unit	
	Haythim J. Alaubaidi	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a Final Office Action in response to the Amendment filed on September 07, 2004.
2. Claims 1-23 are presented for examination following the Amendment filed on September 07, 2004.
3. The rejection to Claims 7, 14, 20 and 23, under 35 U.S.C. 112, second paragraph are hereby withdrawn, the Examiner acknowledge the amendments to the claims in order to overcome the rejection.
4. The rejections to Claims 1, 8 and 21 under 35 U.S.C. 101 are hereby withdrawn, the Examiner acknowledge the amendments to the claims in order to overcome the rejection.
5. The Examiner acknowledges the amendment to the Abstract. The objection is hereby withdrawn.
6. Claims 1, 3-5, 8, 10-12, 15, 17-18 and 21, are rejected under 35 U.S.C. 102(e).
7. Claims 2, 6-7, 9, 13-14, 16, 19-20 and 22-23 rejected under 35 U.S.C. 103(a).

Response to Arguments

8. Applicant's arguments filed in the Amendment of September 07, 2004 have been fully considered but they are not persuasive.

Applicant argues that Ruppelt does not teach or suggest a "stored resolution object for collecting an answer to a question" or comprising answers to a question". The Examiner however respectfully disagrees. Ruppelt teaches "stored resolution object for collecting an answer to a question" or comprising answers to a question" (Figure 3, Elements 302, 304 and 306 and corresponding text) and at least one validation property¹ (Figure 3, Elements 308, 310 and 312 and corresponding text; in addition, the Examiner interpretation to the defining feature of the current limitation is wherein the element No's 302, 304 and 306 (prompt object) is defining some or every aspect of the answer window (figure No. 3, the bottom figure) which is the report definition).

Applicant argues that the stored resolution object was stored prior to execution of the report. The Examiner however respectfully disagrees. Ruppelt teaches the stored resolution object was stored prior to execution of the report (Col 2, Lines 57-67; see also Col 3, Lines 12-15; see also Col 3, Lines 16-32; see also Col 4, Lines 25-30; see also Figure 3, Element No. 308 and 310²).

¹ Please note that the Examiner is interpreting the "validation property" to be as similar as any or all of the element of 308, 310 and 312 of figure 3; this is according to the specification of the current application, see Page 3, Lines 10-13 of the current application. The mentioned elements are showing certain answers to a particular question (these answers are valid for these questions).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3-5, 8, 10-12, 15, 17-18 and 21, are rejected under 35 U.S.C. 102(e) as being anticipated by Kevin M. Ruppelt (U.S. Patent No. 6,571,236 and Ruppelt hereinafter).

Regarding Claims 1 and 21, Ruppelt discloses:

a prompt object comprising a question to be asked (Figure 3, Elements 302, 304 and 306 and corresponding text) and at least one validation property³ (Figure 3, Elements 308, 310 and 312 and corresponding text);

the prompt object being used to define some or every aspect of a report definition (Figure No. 3, i.e. bottom figure and corresponding text)⁴;

² Please note that the drop down menu of Elements 308 and 310 of Figure No. 3 are being interpreted as answers that were created prior the creation of the query or the question, see also the title above them "choose an answer".

³ Please note that the Examiner is interpreting the "validation property" to be as similar as any or all of the element of 308, 310 and 312 of figure 3; this is according to the specification of the current application, see Page 3, Lines 10-13 of the current application. The mentioned elements are showing certain answers to a particular question (these answers are valid for these questions).

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a resolution object for collecting an answer to a question (Col 3; Lines 17-20, i.e. solution recommendation database; see also Col 3, Lines 23-25, i.e. case based reasoning tool); and

wherein the resolution object is created and stored prior to the execution of a report (Col 2, Lines 57-67; see also Col 3, Lines 12-15; see also Col 3, Lines 16-32; see also Col 4, Lines 25-30; see also Figure 3, Element No. 308 and 310⁵).

Regarding Claims 3, 10 and 17, Ruppelt discloses wherein the stored resolution object is used to answer a prompt during the execution of a report (Col 4, Lines 39-50).

Regarding Claims 4 and 11, Ruppelt discloses wherein an answer from a stored resolution object is used to modify a default answer (Col 3, Lines 35-52⁶).

Regarding Claim 5, 12 and 18, Ruppelt discloses wherein the resolution object causes the suppression of a prompt (Col 4, Lines 50-52).

Regarding Claims 8 and 15, the limitations of these claims are similar in scope to the rejected claim 1, above. In addition Ruppelt discloses template with one or more template properties (Col 3, Line 62 through Col 4, Line 7, i.e. thus, there may be case based reasoning tool tailored to handle dishwashers in general or leaky dishwashers in particular).

⁴ Please note that the Examiner interpretation to the defining feature of the current limitation is wherein the element No's 302, 304 and 306 (prompt object) is defining some or every aspect of the answer window (figure No. 3, the bottom figure) which is the report definition.

⁵ Please note that the drop down menu of Elements 308 and 310 of Figure No. 3 are being interpreted as answers that were created prior the creation of the query or the question, see also the title above them "choose an answer".

⁶ The answer is being modified according to the threshold, either the resolution documents will be provided or the case based reasoning tool will be provided, these are two different answers that one of them will be modified.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 6-7, 9, 13-14, 16, 19-20 and 22-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kevin M. Ruppelt (U.S. Patent No. 6,571,236 and Ruppelt hereinafter).

Regarding Claims 2, 9, 16 and 22, Ruppelt reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the third party creating the resolution object.

Given the intended broad application of the Ruppelt system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Ruppelt, by allowing a third party to create the resolution object in order to maximize the flexibility and the usability of the system by allowing professional experts to provide the answers for the questions, also another good reason would be attaching the current Applicants invention to an already functional knowledge base or expert system that contain the answers to particular question or subject, as these systems already contain answers to problems or questions from previous cases that can be very useful for covering a broader aspect of any question or query relating to any subject.

Regarding Claims 6, 13 and 19, Ruppelt reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate scheduling the report to run in a future time.

However, given the intended broad application of the Ruppelt system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Ruppelt to schedule a future run time, and the reason would be to make sure that the user is following the maintenance procedures, especially the future maintenance to the product, another reason would be to use this feature (the future run time of a report) as a reminder to the user (owner of the appliance).

Regarding Claims 7, 14, 20 and 23, Ruppelt reference discloses all of the claimed subject matter set forth above, including running queries from remote terminals and submitting them through a network (the Internet for example) using an interface (see Figure 1; also see Col 2, Lines 24-67), except the reference does not explicitly indicate converting the resolution object from the XML format to another format.

However, converting formats are well known in the art, especially with the user of interfaces and networks such as the Internet (see Col 2, Lines 65-67)⁷.

⁷ Presenting the solution recommendation in a JAVA enhanced HTML document format (Col 2, Lines 66-67) is a good example for the conversion of formats; as this information is stored in the database in a different format than the JAVA format, yet it is being presented in a JAVA format.

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13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points of Contact

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

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Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Haythim J. Alaubaidi

Patent Examiner
Technology Center 2100
Art Unit 2161
January 10, 2005



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